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13  
14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16  
17 **JOHN WARD and PIERCE WARD,**

18 Plaintiffs,

19 vs.

20 **AMERICAN ZURICH INSURANCE**  
21 **COMPANY, et al.,**

22 Defendants.

Case No. 3:13-CV-03140-SI

**REQUEST OF PLAINTIFF JOHN T.  
WARD TO BE ALLOWED TO ATTEND  
MANDATORY SETTLEMENT  
CONFERENCE BY TELEPHONE;  
DECLARATION OF JOHN T. WARD IN  
SUPPORT THEREOF**

Date: April 6, 2015

Time: 9:30 a.m.

Crtrm.: G, 15th Floor

**The Hon. Joseph C. Spero**

Filing Date: May 15, 2013

## I.

## INTRODUCTION

Plaintiff John T. Ward, by and through his counsel of record, respectfully requests permission to attend the upcoming April 6, 2015, Mandatory Settlement Conference by telephone. Mr. Ward is a sole practitioner criminal defense attorney with seven previously scheduled matters on calendar the day of the Settlement Conference, including two felony juvenile matters where it would be a hardship to his clients and their families to attempt to reschedule the hearings. Mr. Ward's brother, Plaintiff Pierce Ward, will be in attendance at the Settlement Conference with full authority to make decisions on behalf of both Plaintiffs.

## II.

## STATEMENT OF FACTS

In this Direct Action lawsuit brought under California Insurance Code §11580, Plaintiffs John Ward and Pierce Ward, as the heirs of their sister Patricia Ward, have sued the insurance carriers for Goss-Jewett Co. Of Northern California ("Goss-Jewett") for payment of a default judgment totaling \$6,247,495.60 as of the date of this Settlement Conference. Patricia died at age 65 from malignant mesothelioma, an invariably fatal, extremely painful cancer caused solely by exposure to asbestos fibers.

On March 19, 2015, this Court issued its Notice Of Settlement Conference and Settlement Conference Order setting the Settlement Conference in this case for April 6, 2015. Plaintiff Pierce Ward, who lives in Chester, California, will be in attendance at the Settlement Conference with full authority to make decisions on behalf of both Plaintiffs.

As discussed more fully in the attached Declaration of John T. Ward, Plaintiff John Ward is a sole practitioner attorney. His office is located at 925 North Lake Boulevard in Tahoe City, California. Mr. Ward's practice concentrates on the representation of individuals in criminal

1 defense matters. John Ward has been in private practice as a criminal defense attorney for twenty  
2 three years. Prior to that Mr. Ward worked for thirteen years as a Deputy District Attorney for  
3 Placer County in Tahoe City, California.

4 John Ward is unable to physically attend the Settlement Conference set for April 6, 2015.  
5 Mr. Ward has Court appearances set in seven cases that day. All of Mr. Ward's appearances were  
6 set prior to the date that this Court scheduled the Settlement Conference in this case. No one else  
7 can cover all these appearances. Two of the appearances are juvenile felony matters which require  
8 that parents and the child appear. Parents must arrange to take time off from their jobs well ahead  
9 of time to attend such hearings. In addition, arrangements need to be made for the child to be  
10 excused from school to attend the hearings.

12 The matters on which Mr. Ward is required to appear on April 6, 2015, are the following:

- 13 A. At 8:30 a.m. Mr. Ward has four cases set in Placer County Superior Court  
14 in Tahoe City, California. The case names, case numbers and types of  
15 hearing are:  
16 72-009274 People v Baty (First Pre-Trial Conference)  
17 72-009276 People v Frock (First Pre-Trial Conference)  
18 72-009186 People v. Hilarides (Third Pre-Trial Conference)  
19 72-008713 People v. Vaughn (Second Pre-Trial Conference)
- 20 B. At 10:00 a.m. the following case is set in Nevada County Superior Court in  
21 Truckee, California. The case name, case number and type of hearing is:  
22 People v. Marshello, case number TF14-000733 (Proof of signed judgment  
23 and sentencing order)
- 24 C. At 2:30 p.m. Mr. Ward has two juvenile cases set in the Juvenile  
25 Department of the Nevada County Superior Court in Truckee, California.  
26 Both cases are felony cases. The case names, case numbers and type of  
27 hearing are:  
28 In Re Copeland case number TJD14-00059 (Pre-Trial Hearing)  
In Re Kennedy case number TJD 15-000005 (Pre-Trial Hearing)

26 As Mr. Ward states in his attached Declaration, it would be a hardship to the families and  
27 to the juveniles involved to reschedule the two felony juvenile cases. In each of those two cases,  
28 the juvenile and his or her parent must be present in Court for the hearings. Mr. Ward states that it  
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1 would be a personal hardship and possibly also a financial hardship for the families to reschedule  
2 these appearances.

3 John Ward's brother Pierce Ward will be physically present at the upcoming Mandatory  
4 Settlement Conference. The Ward brothers are in agreement on their approach to this case. Pierce  
5 Ward will have full authority to resolve this case on behalf of both Plaintiffs at the upcoming  
6 Mandatory Settlement Conference.  
7

8 On April 6, 2015, John Ward will be able to be contacted by telephone during both the  
9 morning and afternoon. Mr. Ward has appeared before the judges who are hearing his seven cases  
10 many times over his career. Mr. Ward feels certain that those judges will allow him to take breaks  
11 to speak by phone that day with his counsel or anyone else as needed for this Settlement  
12 Conference.  
13

### 14 III.

### 15 CONCLUSION

16 For the reasons set forth herein and in the attached Declaration of John T. Ward, Plaintiff  
17 John Ward respectfully requests permission from this Court to be allowed to telephonically attend  
18 the April 6, 2015, Settlement Conference in this matter.  
19

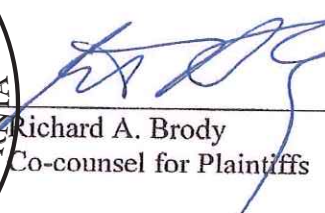
20 Dated: March 31, 2015

Respectfully submitted,

21 Dated: 4/2/15

SHINGLER LAW



22 By   
23 Richard A. Brody  
24 Co-counsel for Plaintiffs  
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